

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN W. GREEL,

No. C 08-04474 CW (PR)

Petitioner,

ORDER REGARDING IN FORMA
PAUPERIS MOTION

v.

MICHAEL MARTEL, Warden,

Respondent.

Petitioner filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same date, the Clerk of the Court sent Petitioner a notice directing him to pay the filing fee or to file a completed in forma pauperis (IFP) application. Petitioner filed an IFP application and a prisoner trust statement; however, Petitioner did not file a copy of the Certificate of Funds.

The Court cannot conduct an initial review of this matter until Petitioner has either paid the filing fee or submitted a complete IFP application. See 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes affidavit that he is unable to pay such fees or give security therefor). If the petitioner is a prisoner who alleges that he is unable to pay the full filing fee at the time of filing, he must submit: (1) an affidavit that includes a statement of all assets he possesses, and (2) a certified copy of the trust fund account statement for the prisoner for the six-month period immediately preceding the filing of the action, obtained from the appropriate official of each prison at which the prisoner is or was confined. See id.

1 § 1915(a)(1), (2). If the Court determines that the petitioner is
2 unable to pay the full filing fee at the time of filing, the
3 petitioner will be granted leave to proceed IFP.

4 Therefore, before the Court will proceed to review the
5 complaint Petitioner is hereby ORDERED to file a copy of the
6 Certificate of Funds. He shall include with this document a clear
7 indication that it is for the above-referenced case number,
8 C 08-04474 CW (PR). Petitioner shall do so within thirty (30) days
9 of the date of this Order.

10 Failure to file a copy of Petitioner's Certificate of Funds as
11 ordered herein by the thirty-day deadline shall result in the
12 dismissal of this action without prejudice.

13 IT IS SO ORDERED.

14 DATED: 12/16/08



15 CLAUDIA WILKEN
16 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN W. GREEL,
Plaintiff,

Case Number: CV08-04474 CW

CERTIFICATE OF SERVICE

v.

MICHAEL MARTEL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 16, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Stephen W. Greel V96682
Mule Creek State Prison
P.O. Box 40900
Ione, CA 95640

Dated: December 16, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California